UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JAMES JOSEPH JULUKE, JR., an individual,

Plaintiff,

v.

EAST LA HOME IMPROVEMENT LLC, a Delaware Limited Liability Company,

Defendant.

Case No.: 3:16-cv-02521-D

STATE OF FLORIDA)
)
COUNTY OF MIAMI DADE)

Louis I. Mussman, being duly sworn, deposes and says:

1. I am a member licensed to practice in the State of Florida and am admitted to the Bar of the Northern District of Texas. I am a partner of the firm of Ku & Mussman, P.A., attorney for Plaintiff in the above-entitled action and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Fed. R. Civ. P. 55(b), in support of Plaintiff's request for entry of default against Defendant EAST LA HOME IMPROVEMENT LLC.

3. This is an action for injunctive relief and attorneys' fees and costs pursuant to Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181 et seq.; and statutory damages pursuant to Chapter 121.004(b) of the Texas Human Rights Code.

4. Jurisdiction of the subject matter of this action is based on 28 U.S.C. §§ 1331 and 1343.

5. This Court has personal jurisdiction over the Defendant.

6. To the best of my knowledge Defendant is not infant or incompetent.

7. This action against Defendant was commenced on August 31, 2016, by the filing of the summons and complaint. A copy of the summons and complaint was properly served on Defendant EAST LA HOME IMPROVEMENT LLC on September 2, 2016, and proof of the service was filed with the Court on September 6, 2016. [Dkt. No. 6].

8. On October 19, 2016 the court filed an Order To Show Cause requiring the Defendant to obtain counsel and cause counsel to enter a written appearance with the clerk of this court by November 16, 2016. [Dkt. No. 11].

9. The Defendant failed to comply with the Order to Show Cause and on November 21, 2016, the court entered an order striking the Defendant's defenses. [Dkt. No. 15].

10. The Defendant has not answered the Complaint and the time for the Defendant to answer the Complaint has expired.

8. This action seeks declaratory and injunctive relief to bring the Defendant's property into compliance with the regulations of the ADA, and reasonable attorneys' fees, costs and other expenses of the suit.

9. Plaintiff's reasonable attorneys' fees expended towards prosecuting this matter against Defendant EAST LA HOME IMPROVEMENT LLC are $6,860.00. Plaintiff's charged costs to date are $505.53[1].

10. Plaintiff is entitled to have his reasonable attorneys' fees, costs, and expenses paid by Defendant EAST LA HOME IMPROVEMENT LLC pursuant to 42 U.S.C. § 12205.

11. Additionally, by maintaining and/or failing to remove the barriers to access, Defendant is liable for statutory damages under Chapter 121.004(b) of the Texas Human Rights Code in the amount of $300.00 for each of the four (4) categories of violations discussed above for a total statutory damage amount of $1,200.00.

WHEREFORE, Plaintiff requests the entry of Default against Defendant EAST LA HOME IMPROVEMENT LLC.

____
Louis I. Mussman

Sworn to me before this 5th day of December, 2016.

____
Notary Public

Notary Public State of Florida
Reyna Sarmiento
My Commission FF 229565
Expires 05/11/2019

Personally Known ✓ OR Produced Identification ________
Type of Identification Produced

____

[1] Filing fee $400.00; Service fees $102.50; Corporate search fee $3.03.